

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 14<sup>th</sup> day of July 2016, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER  
JOHN BRUSO, MEMBER  
JILL MONACELLI, MEMBER  
JAMES PERRY, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
FRANK SWIGONSKI, MEMBER  
RICHARD QUINN, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: DIANE M. TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF:MARY BURGESS**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Mary Burgess, 285 Enchanted Forest North, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an addition to the dwelling on premises owned by the petitioner at 285 Enchanted Forest North , Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster. The proposed addition would result in a front yard set back of thirty two feet (32').

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35'] foot front yard set back. The petitioner, therefore, requests a three (3') foot front yard set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Jim Bammel, Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF MARY BURGESS**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Mary Burgess and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of July 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

**NOW, THEREFORE, BE IT,**  
**RESOLVED**, that based upon these findings, the relief sought be and is hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

July 14, 2016

**PETITION OF: DANIEL ZACK**

THE 2<sup>ND</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel Zack, 114 Peppermint Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a 1200sf Pole Barn on premises owned by the petitioner at 114 Peppermint Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,200 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 450 square foot accessory use area variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Tina Zack, Petitioner	Proponent
Riley Zack, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF DANIEL ZACK**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel Zack and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of July 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Agricultural Residential District (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

July 14, 2016

**PETITION OF: JOSHUA AND MEGAN HAGNER**

The 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Joshua and Megan Hagner, 5141 William Street, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a 1,200 square foot pole barn on premises owned by the petitioners at 5141 William Street, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9 Subsection D(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,200 square feet.

Chapter 50, Zoning, Section 9 Subsection D(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioners, therefore, request a 450 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10 Subsection D (1)(b) of the Code of the Town of Lancaster. The proposed location of the pole barn results in a three [3'] foot, six [6"] inch side yard lot line set back.

Chapter 50, Zoning, Section 10D (1)(b) of the Code of the Town of Lancaster requires a five [5'] foot side yard lot line set back. The petitioners, therefore, request a one [1'] foot, six [6"] inch side yard lot line set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Joshua Hagner, Petitioner	Proponent
Megan Hagenr, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF JOSHUA AND MEGAN HAGNER**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. BRUSO WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Joshua and Megan Hagner and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14<sup>th</sup> day of July 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial but not to the extent necessary to preclude the granting of the area variance relief sought.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THERFORE, BE IT**

**RESOLVED**, that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions, which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- There will be one window installed on each side of the structure.
- The color of the structure will match the color of the house.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

July 14, 2016



**PETITION OF NAS SIGN COMPANY/JOHN GENNUSO**

THE 4<sup>TH</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of NAS Sign Company, 1628 Elmwood Avenue, Buffalo, New York 14207 as agent for Manzella Marketing, 5360 Genesee Street, Bowmansville, New York, 14026 for one [1] variance for the purpose of erecting a ground sign on premises owned by Jim Manzella, 5360 Genesee Street, Bowmansville, New York 14026, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of seven [7'] feet, eight [8"] inches over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits a sign to be no higher than four (4') feet above the finished grade. Therefore, the petitioner is requesting a variance of three (3') feet, eight (8") inches.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

John Gennuso, Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF NAS SIGN COMPANY/JOHN GENNUSO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of NAS Sign Company/John Gennuso and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14<sup>th</sup> day of July 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the duly authorized agent of the property owner.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential Commercial Office District, (RCO) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED**, that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

July 14, 2016

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 7:42 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: